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## AID FOR CONVICTS' FAMILIES

which, while it may be open to objection, can hardly fail, if tested, to insure ameliorated conditions. Society is interested in apprehending, convicting and punishing the criminal, and holds itself responsible for doing so. Is it not equally interested in and responsible for the protection of the innocent? What greater wrong or injustice can be imagined than the arrest, indictment, and trial of a perfectly innocent person? It constantly happens. The whole power and machinery of the state is turned against a single individual who is often without means to defend himself or has to sacrifice all that he possesses to do so. The least that the state should do when it has mistakenly accused a man, is to assume the expense he has been put to. No one can compensate him for the distress he has suffered. But why should the state not do more than that? Why should it not have sworn officers of high character to defend as well as to prosecute? Whatever the objections, the benefits would be clear and immediate. The accused would be sure of a fair trial from which all subornation of perjury would be removed and which would be conducted without the legal pyrotechnics and sensationalism which now prevail. Objectionable personalities of counsel, unreasonable delay in obtaining juries, groundless objections to questions, misleading statements to the jury and chicane, trickery, and bribery in influencing them would all disappear. Government counsel for the accused would be just as sincere and earnest in their defense as the district attorney in prosecution, but the scales would be held evenly, and not as now, as has been said, with the entire power and weight of the state on one side. Not only would it greatly improve the character of criminal trials and promote the ends of justice to have government defense, but it would bring another very great benefit, it would put the criminal bar out of business. Doubtless it comprises some honorable, upright men, but it has, as a whole, always been a reproach to the profession, and an ally to crime, shielding criminals by perjury and fraud, and necessarily living off the proceeds of their wrongdoing. It is safe to say that there would be fewer crimes committed were not criminals everywhere aware that clever, experienced, wholly unscrupulous lawyers, who will stop short of nothing save their own incarceration, are always to be found to defend them by every expedient which trained ingenuity, deceit, false swearing, and jury bribing can compass. Is it not worth considering whether society as a whole would not be benefited by so changing the method of criminal trials that the government shall be charged with the defense as well as the prosecution of accused persons, far beyond any additional expense that it may involve? If it be said that an accused person has the right to select his own attorney, it might be conceded that he should be permitted to call assistance, but the directing of the conduct of the trial should be left in the hands of the government attorney, insuring the elimination of the worst evils that disgrace the existing system."

R. H. G.

**Aid for Convicts' Families.**—Kansas City is making an interesting experiment in the problem of supporting the families of convicts. Under a law that has been in existence two months the judge of the Juvenile Court of Kansas City has power to give pensions, for the aid of such families, to wives or widows of convicts residing in his county. For one child under 14 years of age \$10 a month is granted, for each additional child \$5 a month. The pensions are given only when by their aid the mother is enabled to remain at home with

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her children instead of going out to work. Fourteen pensions already have been granted.

Judge Edward E. Porterfield, who framed the law, says that last year there were in the Juvenile Court more than 200 children whose mothers were widows and were compelled to work away from home. These children rapidly became delinquent. Those who were mildly delinquent were sent to the McCune farm, where the cost to the state and county is \$16.16 for each boy. In many cases with a \$15 a month allowance a widowed mother is enabled to take care of five small children while remaining at home and doing what work she can for pay.

Thus it appears that society directly benefits in a financial sense by the new law; indirectly it benefits in that the children are kept with the mother, who in most cases is their best guardian. It will be of public interest to see how this law works. If it is generally satisfactory it probably will be a precedent for similar laws in many states. Considered only as an economic measure it seems to have merit, though this is not the most important element of the problem of dealing with poor families that have lost their natural means of support.

R. H. G.

**Criminal Procedure in France and Great Britain Compared.**—At the London conference of the International Law Association in August, 1910, the subject of comparative criminal procedure was discussed. A paper, entitled "Criminal Procedure in France and Great Britain Compared," was read by Ernest Todd, J. P., Barrister at Law. Mr. Todd pointed out that during the period of Feudalism the development of the criminal law in the two countries was along parallel lines; that in England the method of administering justice has remained practically the same, while the French procedure was radically changed through the introduction of inquisitorial methods, which had their origin in the Inquisition of the Church.

After stating that there was no codification of the French criminal law till the year 1670, Mr. Todd enumerated as follows the principal provisions of the Ordinance enacted that year: "(i.) It gave jurisdiction in Criminal matters to the Court of the district where the crime was committed; (ii.) It limited the private jurisdictions, and extended those of the King's judges; (iii.) It limited appeal jurisdiction to the King's judges; (iv.) Great efforts were made during the discussions to supersede the jurisdiction of the Church in Criminal matters altogether, but in the end the Church triumphed and her jurisdiction was confirmed; (v.) It made the very important change that a person who made a complaint upon which criminal proceedings were taken should not *ipso facto* become liable as prosecutor to bear the costs of the prosecution, this liability only being incurred if he declared himself a 'Partie Civile'; (vi.) Provision was made for the better regulation of prisons, for food and medical aid being given to prisoners, and for a mitigation of the horrors which then existed inside the state prisons; (vii.) It confirmed the power of the Juge d'Instruction to examine the prisoner and witnesses against him secretly, but made provision for this being done within twenty-four hours of arrest (a most salutary and necessary provision, having regard to the practice then prevailing of allowing prisoners to languish in gaol without any sort of trial for an indefinite time); (viii.) The provision that a prisoner should not have the assistance of counsel during his examination by the Juge d'Instruction was confirmed; and (ix.) Pro-